

OFFICE OF THE CLERK  
United States District Court  
DISTRICT OF MAINE

SCANNED

LINDA L. JACOBSON  
CLERK

NOV 19 2007 ☒

Edward T. Gignoux Courthouse  
156 Federal Street, Rm 102  
Portland, Maine 04101  
(207) 780-3356

LINDA L. JACOBSON, CLERK  
BY \_\_\_\_\_  
DEPUTY CLERK ☐

Margaret Chase Smith Courthouse  
P.O. Box 1007  
Bangor, Maine 04402  
(207) 945-0575

November 9, 2007

RE: USA v. RICHARD LEE MCNAIR  
D/ME MAG. NO. 07-55-C  
WD/LA NO. 06mg1049

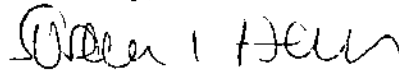
Dear Sir/Madam:

The above-named defendant having appeared before Magistrate Judge David M. Cohen for a (removal) hearing on November 9, 2007, pursuant to his arrest here in the District of Maine, enclosed please find copies of the following:

1. Certified copy of docket
2. Certified copy of Commitment to Another District
3. Certified copy of Waiver of Rule 5 & 5.1 Hearings
4. Copy of Gvt Motion for Detention
5. Copy of Synopsis
6. Fax Copy of Warrant for Arrest of dft
7. Fax Copy of Criminal Complaint

Please be advised that I expect this defendant to be transported in due course to your District pursuant to the Commitment Order dated November 9, 2007. I further understand that he should be presented to a judicial officer in your district for further proceedings (preliminary examination and detention hearing).

Sincerely,



Susan L. Hall  
Deputy Clerk

Enc.

cc: Jonathan R. Chapman, AUSA  
David R. Beneman, Federal Defender  
U.S. Marshal Service  
U.S. Probation Office

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED - ALEXANDRIA

07-10030-01

DEC 4 2007

CLOSED

ROBERT W. STEWELL, CLERK  
BY [Signature] DEPUTY

**U.S. District Court  
District of Maine (Portland)  
CRIMINAL DOCKET FOR CASE #: 2:07-mj-00055-DMC-1**

Case title: USA v. MCNAIR  
Other court case number: 06mg1049 USDC, WD/LA

Date Filed: 11/08/2007  
Date Terminated: 11/09/2007

Assigned to: MAGISTRATE JUDGE  
DAVID M. COHEN

**Defendant (1)**

**RICHARD LEE MCNAIR**  
*TERMINATED: 11/09/2007*

represented by **DAVID R. BENEMAN**  
FEDERAL DEFENDER'S OFFICE  
ONE CITY CENTER  
2ND FLOOR  
P.O. BOX 595  
PORTLAND, ME 04112-0595  
207-553-7070 ext. 101  
Email: David.Beneman@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **JONATHAN R. CHAPMAN**  
 U.S. ATTORNEY'S OFFICE  
 DISTRICT OF MAINE  
 100 MIDDLE STREET PLAZA  
 PORTLAND, ME 04101  
 (207) 780-3257  
 Email: jon.chapman@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/08/2007	<u>1</u>	Rule 5(c)(3) Documents Received as to RICHARD LEE MCNAIR: WD/LA Warrant with (Attachments: # 1 WD/LA Criminal Complaint# 2 WD/LA Fax Cover Sheet)(slh, ) (Entered: 11/09/2007)
11/08/2007	<u>2</u>	SYNOPSIS as to RICHARD LEE MCNAIR (slh, ) (Entered: 11/09/2007)
11/08/2007	<u>3</u>	MOTION for Detention by USA as to RICHARD LEE MCNAIR. (slh, ) (Entered: 11/09/2007)
11/08/2007		Arrest (Rule 5) of RICHARD LEE MCNAIR per US Marshal (slh, ) (Entered: 11/09/2007)
11/09/2007	<u>5</u>	Minute Entry for proceedings held before Mag.Judge DAVID M. COHEN :Rule 5 Hearing held: Defendant advised of rights and waived identity, Attorney Appointment Hearing held as to RICHARD LEE MCNAIR, Added attorney DAVID R. BENEMAN for RICHARD LEE MCNAIR. Dft committed to custody of US Marshal for transport and further proceedings in the WD/LA. (Court Reporter FTR) (slh, ) (Entered: 11/09/2007)
11/09/2007	<u>6</u>	WAIVER of Rule 5 Hearings by RICHARD LEE MCNAIR (slh, ) (Entered: 11/09/2007)
11/09/2007	<u>7</u>	COMMITMENT TO ANOTHER DISTRICT as to RICHARD LEE MCNAIR. Defendant committed to Western District of LOUISIANA By Mag.Judge DAVID M. COHEN. (slh, ) (Entered: 11/09/2007)
11/09/2007	<u>8</u>	Rule 5 Transfer Out as to RICHARD LEE MCNAIR to WD/LA (slh, ) (Entered: 11/09/2007)
11/19/2007	<u>9</u>	Rule 5 Transfer LETTER marked received 11/14/07 by WD/LA as to RICHARD LEE MCNAIR (slh, ) (Entered: 11/19/2007)

**PACER Service Center**

**Transaction Receipt**

12/04/2007 12:40:14			
<b>PACER Login:</b>	us4175	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:07-mj-00055-DMC
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.08

**SYNOPSIS**

**Name:** Richard Lee McNair

**Address:** United States Penitentiary, Pollock, Louisiana

**Year of Birth:** 1958

**Age:** 47

**Violations:** Escape, 18 USC §751(a)

**Penalty:** Imprisonment for not more than five years; a fine of not more than \$250,000, or both

**Supervised Release:** Not more than three years

**Maximum Term of Imprisonment for Violation of Supervised Release:** Not more than two years

**Maximum Term of Supervised Release for Violation of Supervised Release:** Not more than three years

**Defendant's Attorney:** David Beneman, Federal Defender

**Detention Status:** In execution of a sentence of imprisonment

**Foreign National:** No

**Consular Notification Provided:** N/A

**County:**

**AUSA:** Jonathan R. Chapman

**Primary Investigative Agency:** USMS

**Guidelines:** Apply

**Victim Case:** No

**Organizational Victims Owed Restitution:** None

**Felony Assessments:** \$100

**Caption of Any Related Search Warrants:** None

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA                     )  
   )  
   )     Magistrate No. 07-55-C  
   )  
v.   )  
   )  
RICHARD LEE MCNAIR                            )

**MOTION FOR DETENTION**

The United States moves for pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142.

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

- ☐ Conditions requiring a temporary detention order (18 U.S.C. § 3142(d))
- ☐ Crime of violence
- ☐ Maximum sentence life imprisonment or death
- ☐ 10+ year drug offense
- ☐ Felony, with two prior convictions in above categories
- ☒ Serious risk defendant will flee
- ☒ Serious risk obstruction of justice

2. Reasons for Detention.

(i) Temporary Detention. \_\_\_\_\_

(ii) Other than Temporary Detention. The court should detain the defendant because there are no conditions of release which will reasonably assure:

x   Defendant's appearance as required

  x   Safety of any other person and the community

3. Date of Detention Hearing. The United States requests that the detention hearing be held at the initial appearance.

4. Length of Detention Hearing. The United States will require 1/2 hour to present its case for detention.

5. Other Matters. The defendant is currently in execution of a life sentence. On that basis, the Court may conclude that the issues raised by this motion are not ripe for decision.

Date: 11/8/07

Paula D. Silsby  
United States Attorney

/s/ Jonathan R. Chapman  
Jonathan R. Chapman  
Assistant United States Attorney  
United States Attorney's Office  
100 Middle Street  
Portland, Maine 04101  
(207) 780-3257  
[jon.chapman@usdoj.gov](mailto:jon.chapman@usdoj.gov)

SCANNED

AO 466A (Rev. 10-03) Waiver of Rule 5 & 5.1 Hearings

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

UNITED STATES OF AMERICA

V.

RICHARD LEE McNAIR

Defendant

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint/Indictment)

CASE NUMBER: 07m55c

CHARGING DISTRICTS 06mg1049  
CASE NUMBER:

I understand that charges are pending in the Western District of Louisiana  
alleging violation of Title 18, U.S.C., Section 751 and that I have been arrested in this district and  
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (1) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ( ☐ ) identity hearing
- ( ☐ ) preliminary hearing
- ( ☒ ) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

11/9/07  
Date

[Signature]  
Defendant

[Signature]  
Defense Counsel



AO 94 (Rev. 12/03) Commitment to Another District

## UNITED STATES DISTRICT COURT

District of Maine

UNITED STATES OF AMERICA  
V.COMMITMENT TO ANOTHER  
DISTRICT

RICHARD LEE McNAIR

## DOCKET NUMBER

## MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

07m55c

06mg1049

## CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment ☐ Information ☒ Complaint ☐ Other (specify)

Charging a violation of 18 U. S. C. § 751

DISTRICT OF OFFENSE Western District of Louisiana

## DESCRIPTION OF CHARGES:

escape from custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, that facility being the United States Penitentiary in Pollock, Louisiana, a maximum security U.S. Bureau of Prisons facility.

## CURRENT BOND STATUS:

- ☐ Bail fixed at \_\_\_\_\_ and conditions were not met  
☐ Government moved for detention and defendant detained after hearing in District of Arrest  
☐ Government moved for detention and defendant detained pending detention hearing in District of Offense  
☐ Other (specify) \_\_\_\_\_

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☒ No ☐ Yes Language: \_\_\_\_\_

## DISTRICT OF MAINE

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

11/9/07

Date

David M. Cohen

Magistrate Judge David M. Cohen

## RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL